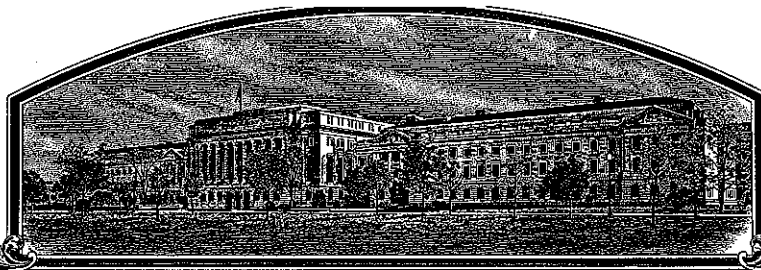


No.

200700443



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

*Resource Seeds, Inc.*

*Whereas*, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'Cal Rojo'

*In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifth day of February, in the year two thousand and eight.*

*Attest:*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

Secretary of Agriculture

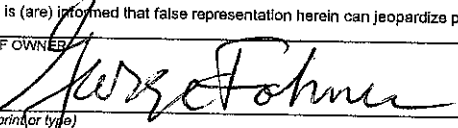


U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER <b>Resource Seeds, Inc.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>00WB80404</b>		3. VARIETY NAME <b>Cal Rojo</b>	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <b>2280 Hecker Pass Highway Gilroy, California 95020</b>		5. TELEPHONE (include area code) <b>408/847-1051</b>		FOR OFFICIAL USE ONLY PVPO NUMBER <b>#200700443</b> FILING DATE <b>SEPTEMBER 10, 2007</b>	
		6. FAX (include area code) <b>408/847-0604</b>			
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>Corporation</b>		8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>California</b>			
9. DATE OF INCORPORATION <b>October 1, 1990</b>					
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) <b>Dr. George Fohner Resource Seeds, Inc. P.O. Box 1319 Gilroy, CA 95021</b>				FILING AND EXAMINATION FEES: <b>\$ 4,382.00</b> DATE <b>9/10/07</b> CERTIFICATION FEE: <b>\$ 768.00</b> DATE <b>12/18/07</b>	
11. TELEPHONE (include area code) <b>408/847-1051</b>		12. FAX (include area code) <b>408/847-0604</b>		13. E-MAIL <b>george@resourceseeds.com</b>	
14. CROP KIND (Common Name) <b>Common Wheat</b>		16. FAMILY NAME (Botanical) <b>Graminaceae</b>		18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP <b>Triticum aestivum</b>		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)				20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (if "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (if "no", go to item 23)	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)				21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)				22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)					
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER 			SIGNATURE OF OWNER		
NAME (Please print or type) <b>George Fohner</b>			NAME (Please print or type)		
CAPACITY OR TITLE <b>President</b>		DATE <b>8 12707</b>		CAPACITY OR TITLE	
				DATE	

(See reverse for instructions and information collection burden statement)

**GENERAL INSTRUCTIONS:** To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initiated and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

**Plant Variety Protection Office**  
**Telephone:** (301) 504-5518 **FAX:** (301) 504-5291  
**General E-mail:** PVPOmail@usda.gov  
**Homepage:** <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

#### SPECIFIC INSTRUCTIONS:

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and provide evidence that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, Seed Regulatory and Testing Branch, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

#### ITEM

- 19a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
 (2) the details of subsequent stages of selection and multiplication;  
 (3) evidence of uniformity and stability; and  
 (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:  
 (1) identify these varieties and state all differences objectively;  
 (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and  
 (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

**22. CONTINUED FROM FRONT** (Please provide a statement as to the limitation and sequence of generations that may be certified.)

**23. CONTINUED FROM FRONT** (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

USA, October 2006. Prior to October 2006, seed only supplied for multiplication and testing under the direction of Resource Seeds and its licensee on Resource Seeds' behalf

**24. CONTINUED FROM FRONT** (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

U.S. Utility Patent applied for on March 26, 2007. Application Number US 11/690,920

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Exhibit A. Origin and Breeding History

Cal Rojo hard red spring wheat (Experimental wheat 00WB80404) results from the cross CMT1171-4//PFAU'S'/VEE#5/3/BONUS. The parental line 1171-4//PFAU'S'/VEE#5 comes from the CIMMYT wheat breeding program in Mexico. The variety Bonus comes from our program at Resource Seeds.

The cross was initiated in 1997 at Woodland, Ca. Utilizing pedigree type selection techniques and obtaining two field generations per year allowed us to have F4 generation plants available for selection in 1999. Five F4 head row population were selected in bulk for yield trial testing of the F5 generation at Woodland in 2000. One of those yield trial selections was advanced for further testing the following year. This line was designated 00WB80404.

A seed purification program was begun in 2001, using head to row selection techniques allowing us to produce Breeder seed in 2004 in Tulare County, Ca. and Foundation seed in 2005. Cal Rojo includes a taller variant not exceeding 0.5%, and a variant with white kernels, also at approximately 0.5%.

During reproduction and testing in replicated trials in California, Cal Rojo has been stable and uniform for five generations.

Exhibit A. Breeding History (continued)

Table A1. Selection Criteria

Generation	Criteria for Selection
P1 x P2	None
F1	None
F2 through F5	Select for resistance or tolerance to diseases: Septoria leaf blotch Stripe rust Barley yellow dwarf virus Powdery mildew Leaf rust  Select for: High tiller number Seed color (red) Seed plumpness High grain yield  Select against: Lodging
F6 & F7	Select for: High grain yield Reduced lodging Little or no disease High protein Baking quality  High yield stability was first noted in the F6 generation and confirmed in all subsequent generations.

Exhibit B. Statement of Distinctness

Cal Rojo is most similar to the variety Summit, but differs from Summit in having superior tolerance to stripe rust disease, caused by the pathogen *Puccinia striiformis*.

Stripe Rust Severity Rating

University of California Regional Performance Tests

		Cal Rojo	Summit	LSD (0.05)
2006	Colusa	1.3	8.0	1.0
	Davis	1.0	8.0	0.9
	Delta	1.5	8.0	0.9
2007	Colusa	1.0	4.3	0.5
	Davis	1.0	5.0	0.5
	Delta	1.0	7.8	0.7

Rating scale (area of leaf below flag leaf affected at soft dough stage): 1= 0-3 %, 2=4-14%, 3=15-29%, 4=30-49%, 5=50-69%, 6=70-84%, 7=85-95%, 8=96-100%

REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved OMB NO 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY  
Wheat (*Triticum* spp.)

NAME OF APPLICANT (S) <b>RESOURCE SEEDS, INC.</b>	TEMPORARY OR EXPERIMENTAL DESIGNATION <b>00WB80404</b>	VARIETY NAME <b>Cal Rojo</b>
ADDRESS (Street and No. or RD No., City, State, Zip Code and Country) <b>P.O. BOX 1319, GILROY, CA 95021</b>		FOR OFFICIAL USE ONLY PVPO NUMBER <b>#200700443</b>

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in the first box (e.g.,    or   ) when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used: \_\_\_\_\_ . Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

- 1 = Common  
2 = Durum  
3 = Club  
4 = Other (Specify) \_\_\_\_\_

2. VERNALIZATION:

- 1 = Spring  
2 = Winter  
3 = Other (Specify) \_\_\_\_\_

3. COLEOPTILE ANTHOCYANIN:

- 1 = Absent                      2 = Present

4. JUVENILE PLANT GROWTH:

- 1 = Prostrate              2 = Semi-Erect              3 = Erect ..

5. PLANT COLOR: (boot stage)

- 1 = Yellow-Green  
2 = Green  
3 = Blue-Green

6. FLAG LEAF: (boot stage)

- 1 = Erect                      2 = Recurved

- 1 = Not Twisted              2 = Twisted

- 1 = Wax Absent              2 = Wax Present

7. EAR EMERGENCE:

Number of Days (Average)

Number of Days Earlier Than

\* Summit

Same As

Number of Days Later Than

\*Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

8. ANTHOR COLOR:

- 1 = Yellow              2 = Purple

## 9. PLANT HEIGHT: (from soil to top of head, excluding awns)

cm (Average)

cm Taller Than

Same As

Yecora Rojo

cm Shorter Than

Summit

## 10. STEM:

## A. ANTHOCYANIN

1 = Absent 2 = Present

## B. WAXY BLOOM

1 = Absent 2 = Present

## C. HAIRINESS (last internode of rachis)

1 = Absent 2 = Present

## D. INTERNODE

1 = Hollow 2 = Semi-Solid 3 = Solid

Number of Nodes

## E. PEDUNCLE

1 = Erect 2 = Recurved 3 = Semi-Erect

cm Length

## F. AURICLE

Anthocyanin: 1 = Absent 2 = Present

Hair: 1 = Absent 2 = Present

## 11. HEAD: (At Maturity)

## A. DENSITY

1 = Lax  
2 = Middense (Laxidense)  
3 = Dense

## B. SHAPE

1 = Tapering  
2 = Strap  
3 = Clavate  
4 = Other (Specify) \_\_\_\_\_

## C. CURVATURE

1 = Erect  
2 = Inclined  
3 = Recurved

## D. AWNEDNESS

1 = Awnless  
2 = Apically Awnletted  
3 = Awnletted  
4 = Awned

## 12. GLUMES: (At Maturity)

## A. COLOR

1 = White  
2 = Tan  
3 = Other (Specify) \_\_\_\_\_

## B. SHOULDER

1 = Wanting 2 = Oblique  
3 = Rounded 4 = Square  
5 = Elevated 6 = Apiculate  
7 = Other (Specify) \_\_\_\_\_

## C. SHOULDER WIDTH

1 = Narrow  
2 = Medium  
3 = Wide

## D. BEAK

1 = Obtuse  
2 = Acute  
3 = Acuminate

## E. BEAK WIDTH

1 = Narrow  
2 = Medium  
3 = Wide

## F. GLUME LENGTH

1 = Short (ca. 7 mm)  
2 = Medium (ca. 8 mm)  
3 = Long (ca. 9 mm)

## G. WIDTH

1 = Narrow (ca. 3 mm)  
2 = Medium (ca. 3.5 mm)  
3 = Wide (ca. 4 mm)

## H. PUBESCENCE

1 = Not Present  
2 = Present



## 13. SEED:

## A. SHAPE

- ☒ 1 = Ovate  
☐ 2 = Oval  
☐ 3 = Elliptical

## B. CHEEK

- ☒ 1 = Rounded  
☐ 2 = Angular

## C. BRUSH

- ☒ 1 = Short  
☐ 2 = Medium  
☐ 3 = Long
- ☐ 1 = Not Collared  
☐ 2 = Collared

## D. CREASE

- ☒ 1 = Width 60% or less of Kernel  
☐ 2 = Width 80% or less of Kernel  
☐ 3 = Width Nearly as Wide as Kernel

- ☒ 1 = Depth 20% or less of Kernel  
☐ 2 = Depth 35% or less of Kernel  
☐ 3 = Depth 50% or less of Kernel

## E. COLOR

- ☒ 1 = White  
☐ 2 = Amber  
☐ 3 = Red  
☐ 4 = Other (Specify) \_\_\_\_\_

## F. TEXTURE

- ☒ 1 = Hard  
☐ 2 = Soft  
☐ 3 = Other (Specify) \_\_\_\_\_

## G. PHENOL REACTION (See Instructions)

- ☐ 1 = Ivory  
☐ 2 = Fawn  
☐ 3 = Light Brown  
☐ 4 = Dark Brown  
☐ 5 = Black

## H. SEED WEIGHT

- ☒ 46 g/1000 Seed (whole number only)

## I. GERM SIZE

- ☒ 1 = Small  
☐ 2 = Midsized  
☐ 3 = Large

## 14. DISEASE: PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

(0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> 0 Stem Rust ( <i>Puccinia graminis</i> f. sp. <i>tritici</i> ) | <input checked="" type="checkbox"/> 4 Leaf Rust ( <i>Puccinia recondita</i> f. sp. <i>tritici</i> )                      |
| <input checked="" type="checkbox"/> 3 Stripe Rust ( <i>Puccinia striiformis</i> )                  | <input checked="" type="checkbox"/> 0 Loose Smut ( <i>Ustilago tritici</i> )   |
| <input checked="" type="checkbox"/> 0 Tan Spot ( <i>Pyrenophora tritici-repentis</i> )             | <input checked="" type="checkbox"/> 0 Flag Smut ( <i>Urocystis agropyri</i> )  |
| <input checked="" type="checkbox"/> 0 Halo Spot ( <i>Selenophoma donacis</i> )                     | <input checked="" type="checkbox"/> 0 Common Bunt ( <i>Tilletia tritici</i> or <i>T. laevis</i> )                        |
| <input checked="" type="checkbox"/> 0 Septoria nodorum (Glume Blotch)                              | <input checked="" type="checkbox"/> 0 Dwarf Bunt ( <i>Tilletia controversa</i> )   |
| <input checked="" type="checkbox"/> 0 Septoria avenae (Speckled Leaf Disease)                      | <input checked="" type="checkbox"/> 0 Karnal Bunt ( <i>Tilletia indica</i> )   |
| <input checked="" type="checkbox"/> 3 Septoria tritici (Speckled Leaf Blotch)                      | <input checked="" type="checkbox"/> 0 Powdery Mildew ( <i>Erysiphe graminis</i> f. sp. <i>tritici</i> )                  |
| <input checked="" type="checkbox"/> 0 Scab ( <i>Fusarium</i> spp.)                                 | <input checked="" type="checkbox"/> 0 "Snow Molds"   |
| <input checked="" type="checkbox"/> 0 "Black Point" (Kernel Smudge)                                | <input checked="" type="checkbox"/> 0 Common Root Rot ( <i>Fusarium</i> , <i>Cochliobolus</i> and <i>Bipolaris</i> spp.) |
| <input checked="" type="checkbox"/> 3 Barley Yellow Dwarf Virus (BYDV)                             | <input checked="" type="checkbox"/> 0 Rhizoctonia Root Rot ( <i>Rhizoctonia solani</i> )                                 |
| <input checked="" type="checkbox"/> 0 Soilborne Mosaic Virus (SBMV)                                | <input checked="" type="checkbox"/> 0 Black Chaff ( <i>Xanthomonas campestris</i> pv. <i>translucens</i> )               |
| <input checked="" type="checkbox"/> 0 Wheat Yellow (Spindle Streak) Mosaic Virus                   | <input checked="" type="checkbox"/> 0 Bacterial Leaf Blight ( <i>Pseudomonas syringae</i> pv. <i>syringae</i> )          |
| <input checked="" type="checkbox"/> 0 Wheat Streak Mosaic Virus (WSMV)                             | <input type="checkbox"/> Other (Specify) _____   |
| <input type="checkbox"/> Other (Specify) _____   | <input type="checkbox"/> Other (Specify) _____   |
| <input type="checkbox"/> Other (Specify) _____   | <input type="checkbox"/> Other (Specify) _____   |
| <input type="checkbox"/> Other (Specify) _____   | <input type="checkbox"/> Other (Specify) _____   |

## 15. INSECT: (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> 0 Hessian Fly ( <i>Mayetiola destructor</i> )   | <input type="checkbox"/> Other (Specify) _____ |
| <input checked="" type="checkbox"/> 0 Stem Sawfly ( <i>Cephus</i> spp.)             | <input type="checkbox"/> Other (Specify) _____ |
| <input checked="" type="checkbox"/> 0 Cereal Leaf Beetle ( <i>Oulema melanopa</i> ) | <input type="checkbox"/> Other (Specify) _____ |

15. INSECT: (continued) (0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Intermediate 4 = Tolerant)

PLEASE SPECIFY BIOTYPE (Where Needed)

☐

Russian Aphid (*Diuraphis noxia*)

☐

Other (Specify) \_\_\_\_\_

☐

Greenbug (*Schizaphis graminum*)

☐

Other (Specify) \_\_\_\_\_

☐

Aphids

☐

Other (Specify) \_\_\_\_\_

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS:

CAL ROJO WHEAT  
Resource Seeds, Inc.

Exhibit D. Additional Description of the Variety - Milling and Bake Data

Expt. 00WB80404 HRW

Cal Rojo Wheat

Grain	Protein %	13.7
	Test Weight lbs	63.1

Flour	Protein %	12.8
	Yield %	78.1
	Ash %	0.516

Farinograph	Absorbance (%)	61.1
	Arrival (minutes)	2.0
	Peak (minutes)	4.5
	Departure (minutes)	6.5

Bake	Absorbance (%)	60.0
	Volume	2725
	Dough Hand Mix	GOOD
	External Comments	RAGGED
	Interior Comments	VERY GOOD

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)  Resource Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  00WB80404	3. VARIETY NAME  CAL ROJO
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  P.O. Box 1319 Gilroy, CA 95021	5. TELEPHONE (Include area code)  (408) 847-1051	6. FAX (Include area code)  (408) 847-0604
7. PVPO NUMBER		#200700443

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.



YES



NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.



YES



NO

10. Is the applicant the original owner?



YES



NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?



YES



NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?



YES



NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT F  
DECLARATION REGARDING DEPOSIT**

NAME OF OWNER (S)  Resource Seeds, Inc.	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)  P.O. Box 1319 Gilroy, CA 95021	TEMPORARY OR EXPERIMENTAL DESIGNATION  00WB80404
NAME OF OWNER REPRESENTATIVE (S)  George Fohner	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)  P.O. Box 1319 Gilroy, CA 95021	VARIETY NAME CAL ROJO  FOR OFFICIAL USE ONLY  PVPO NUMBER <b>#200700443</b>

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Signature George Fohner Date 8/27/07